

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:15-CV-309-DCK**

**GENGER POOLE, as Administrator of the** )  
**Estate of William Dean Poole,** )

**Plaintiff,** )

**v.** )

**GASTON COUNTY; T. R. EARL; J. E.** )  
**KNUPP; A. O. HOLDER; and** )  
**W.P. DOWNEY,** )

**Defendants.** )

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on “Defendants J.E. Knupp, T.R. Earl, And A.O. Holder’s Rule 12 Motions To Dismiss” (Document No. 33) filed August 18, 2016, and “Plaintiff’s Motion For Extension Of Time For Service Of Process Of Defendants Sergeant J.E. Knupp, Officer T.R. Earl, And Officer A.O. Holder” (Document No. 39) filed September 2, 2016. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C §636(c), and immediate review is appropriate. Having carefully considered the motions, the record, and the applicable authority, the undersigned will deny the motion to dismiss and grant the motion for extension of time.

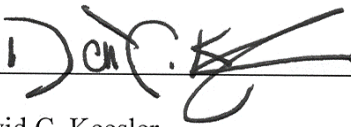
The undersigned observes that Defendants J.E. Knupp, T.R. Earl, and A.O. Holder seek dismissal based on improper service. (Document No. 33). However, Plaintiffs by their motion seek additional time to provide service of process on all Defendants. (Document No. 39). The undersigned finds good cause to allow additional time, and respectfully encourages counsel for each side to attempt to resolve the issue of service without further delay or Court intervention.

**IT IS, THEREFORE, ORDERED** that “Plaintiff’s Motion For Extension Of Time For Service Of Process Of Defendants Sergeant J.E. Knupp, Officer T.R. Earl, And Officer A.O. Holder” (Document No. 39) is **GRANTED**. Plaintiff shall have up to and including **October 7, 2016** to provide service of process on Defendants Sergeant J.E. Knupp, Officer A.O. Holder, and Officer T.R. Earl.

**IT IS FURTHER ORDERED** that “Defendants J.E. Knupp, T.R. Earl, And A.O. Holder’s Rule 12 Motions To Dismiss” (Document No. 33) is hereby **DENIED WITHOUT PREJUDICE**.

**SO ORDERED.**

Signed: September 7, 2016

  
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David C. Keesler  
United States Magistrate Judge

